

United States Department of Agriculture

SERVICE AND REGULATORY ANNOUNCEMENTS

BUREAU OF CHEMISTRY

SUPPLEMENT

N. J. 13851-13900

[Approved by the Acting Secretary of Agriculture, Washington, D. C., January 30, 1926]

NOTICES OF JUDGMENT UNDER THE FOOD AND DRUGS ACT

[Given pursuant to section 4 of the food and drugs act]

13851. Adulteration of cloves. U. S. v. 10 Bales of Cloves. Default decree of condemnation, forfeiture, and destruction. (F. & D. No. 20107. I. S. No. 14919-v. S. No. C-4743.)

On June 9, 1925, the United States attorney for the Eastern District of Missouri, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 10 bales of cloves, remaining in the original unbroken packages at St. Louis, Mo., alleging that the article had been shipped by John W. Green & Co., New York, N. Y., on or about March 17, 1925, and transported from the State of New York into the State of Missouri, and charging adulteration in violation of the food and drugs act.

Adulteration of the article was alleged in the libel for the reason that a substance, sticks and stems, had been mixed and packed therewith so as to reduce, lower, or injuriously affect its quality and strength and had been substituted wholly or in part for the said article.

On October 30, 1925, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be destroyed by the United States marshal.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13852. Misbranding of olive oil. U. S. v. Antonio Palange and Harry Goldberg (Palby Products Co.). Pleas of guilty. Fines, \$150. (F. & D. No. 19627. I. S. Nos. 13202-v, 15519-v, 16558-v.)

On September 30, 1925, the United States attorney for the Southern District of New York, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district an information against Antonio Palange and Harry Goldberg, copartners, trading as the Palby Products Co., New York, N. Y., alleging shipment by said defendants, in violation of the food and drugs act as amended, in various consignments, namely, on or about October 13 and 15 and November 11, 1924, from the State of New York into the States of Georgia, Pennsylvania, and Connecticut, respectively, of quantities of olive oil which was misbranded. The article was labeled in part: (Can) "Net Contents One Gallon Nettuno Brand * * * Olio Puro D'Oliiva Finissimo Prodotto Garentito * * * P. G. & Company."

Examination by the Bureau of Chemistry of this department of 9 cans, 3 cans, and 6 cans from the respective shipments showed an average volume of .952 gallon, .97 gallon, and .962 gallon, respectively.

Misbranding of the article was alleged in the information for the reason that the statement, to wit, "Net Contents One Gallon," borne on the cans containing the article, was false and misleading, in that the said statement represented that each of said cans contained 1 gallon net of olive oil, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that each of the said cans contained 1 gallon net of olive oil, whereas each of the cans did not contain 1 gallon of olive oil but did contain a less amount. Misbranding was alleged for the further reason that the article was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.

On October 5, 1925, the defendants entered pleas of guilty to the information, and the court imposed fines in the aggregate amount of \$150.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13853. Adulteration and misbranding of butter. U. S. v. 68 Boxes of Butter. Decree of condemnation and forfeiture. Product released under bond. (F. & D. No. 20519. I. S. No. 2010-x. S. No. C-4836.)

On October 1, 1925, the United States attorney for the Western District of Tennessee, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 68 boxes of butter, at Memphis, Tenn., alleging that the article had been shipped by the Western Creamery Co., from Kansas City, Mo., August 6, 1925, and transported from the State of Missouri into the State of Tennessee, and charging adulteration and misbranding in violation of the food and drugs act. The article was labeled in part: "Creamery Butter."

Adulteration of the article was alleged in the libel for the reason that a product which contained less than 80 per cent by weight of milk fat had been substituted for butter, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, which the article purported to be.

Misbranding was alleged for the reason that the statement "Butter," borne on the labels, was false and misleading, in that the said statement represented that the article consisted wholly of butter, and for the further reason that it was labeled as aforesaid so as to deceive and mislead the purchaser into the belief that it consisted wholly of butter, whereas it did not so consist but did consist of a product deficient in milk fat. Misbranding was alleged for the further reason that the statement "Butter," borne on the labels was false and misleading, in that it represented that the article was butter, to wit, a product which should contain not less than 80 per cent by weight of milk fat, as prescribed by law, whereas it did not contain 80 per cent by weight of milk fat but did contain a less amount.

On October 1, 1925, the Western Creamery Co., Kansas City, Mo., having appeared as claimant for the property and having admitted the allegations of the libel, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product be released to the said claimant upon payment of the costs of the proceedings and the execution of a bond in the sum of \$1,500, in conformity with section 10 of the act, said bond providing that the product be reconditioned or relabeled under the supervision of this department.

C. F. MARVIN, *Acting Secretary of Agriculture.*

13854. Misbranding of butter. U. S. v. 17 Cases of Butter. Decree of condemnation entered. Product released upon deposit of collateral. (F. & D. No. 20260. I. S. No. 23452-v. S. No. W-1744.)

On or about June 30, 1925, the United States attorney for the Western District of Washington, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying the seizure and condemnation of 17 cases of butter, remaining in the original unbroken packages at Seattle, Wash., alleging that the article had been shipped by Swift & Co., Portland, Oreg., May 29, 1925, and transported from the State of Oregon into the State of Washington, and charging misbranding in violation of the food and drugs act as amended. The article was labeled in part: (Can) "Brookfield Creamery Butter 2 Lbs. Net Weight Swift & Company, U. S. A."

It was alleged in the libel that the article was misbranded under section 8 of the act, paragraphs 2 and 3 under "Food," in that it was short weight, and in that it was food in package form and the quantity of the contents was not plainly and conspicuously marked on the outside of the package.